

## WARREN COUNTY BOARD OF SUPERVISORS

### COMMITTEE: PUBLIC WORKS - AIRPORT, DPW AND PARKS, RECREATION & RAILROAD

DATE: NOVEMBER 29, 2011

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**COMMITTEE MEMBERS PRESENT:**

SUPERVISORS BENTLEY  
MERLINO  
CHAMPAGNE  
MONROE  
CONOVER  
WOOD  
TAYLOR

**OTHERS PRESENT:**

JEFFERY TENNYSON, SUPERINTENDENT OF PUBLIC WORKS  
KEVIN HAJOS, DEPUTY SUPERINTENDENT OF PUBLIC WORKS  
PAUL BUTLER, DIRECTOR OF PARKS, RECREATION & RAILROAD  
TOM BAIRD, BARTON & LOGUIDICE, P.C.  
DANIEL G. STEC, CHAIRMAN OF THE BOARD  
PAUL DUSEK, COUNTY ADMINISTRATOR  
MARTIN AUFFREDOU, COUNTY ATTORNEY  
JOAN SADY, CLERK OF THE BOARD

**COMMITTEE MEMBERS ABSENT:**

SUPERVISORS BELDEN  
MCCOY

KEVIN GERAGHTY, BUDGET OFFICER

SUPERVISORS LOEB  
STRAINER  
THOMAS

JULIE PACYNA, PURCHASING AGENT  
VICTOR MACRI, PRESIDENT & CEO, VMJR COMPANIES  
BILL MASON, SUPERVISOR-ELECT TOWN OF QUEENSBURY  
JOANNE SMITH, TOWN OF JOHNSBURG RESIDENT  
DON LEHMAN, *THE POST STAR*  
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

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In the absence of Committee Chairman Belden, Mr. Bentley, Vice Chairman, called the meeting of the Public Works Committee to order at 9:30 a.m.

Motion was made by Mr. Champagne, seconded by Mr. Monroe and carried unanimously to approve the minutes from the prior Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to Jeffery Tennyson, Superintendent of Public Works, who distributed copies of the Airport agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Mr. Tennyson announced the first agenda item pertained to a request to authorize the Chairman of the Board to sign a letter of intent relative to the proposed commercial development of property located adjacent to the Airport by VMJR Companies. He explained the letter of intent would establish the framework for future negotiations and allow the proposed development to proceed through the planning process. Mr. Tennyson advised the major components of the letter would include the following:

1. The County intended to grant access across County-owned property from the proposed development site to Queensbury Avenue;
2. Expenses related to the construction of an access road would be the responsibility of the Developer;
3. The new access road would be constructed to municipal standards and would become a municipal roadway; and
4. Construction of the access road would be contingent upon both parties agreeing to terms related to an aviation easement over the proposed development that would address Runway Protection Zone and Part 77 Flight Surface requirements for the planned 1,000' extension of the main runway.

Mr. Tennyson advised that while this agreement, or something of the like, was necessary to facilitate the planned runway extension, he cautioned the Committee that allowing the proposed development would limit their ability to proceed with any future extension of the runway. He further advised that in order for VMJR Companies to

proceed with the planning process through the Town of Queensbury Planning Board, a letter of intent from the County would be required.

Mr. Champagne questioned whether the access road, which would later become a municipal highway, would be constructed along the same route as the current access road and Mr. Tennyson replied that two different locations were being considered, both of which had their own merits and disadvantages. Referring to a large map of the area, Mr. Tennyson pointed out the locations for the Committee's review. He advised that if the Committee decided to proceed with the letter of intent, they would review the access road options more thoroughly to determine the best placement and return to the Committee with their recommendation. Mr. Tennyson concluded that a decision on the location of the access road was not critical and could be made at a later date as both route options were viable.

Mr. Conover suggested the Committee enter into an executive session to discuss negotiations relating to a contractual matter and Martin Auffredou, County Attorney, advised that unless the Committee made a finding that discussion in open session would impair the value of the property, discussion of a contractual matter was not appropriate for an executive session.

Mr. Taylor said he was somewhat concerned with limiting future expansion of the runway and he requested more information on that, as well as elaboration on whether the access road would benefit VMJR Companies or the Airport. Mr. Tennyson responded that there was a study underway being conducted by the AGFTC (Adirondack Glens Falls Transportation Council) to review the traffic concerns surrounding the entire Airport, to include Quaker Road and Dix Avenue, and there was some indication that an access road as suggested, which would run from Quaker Road to Queensbury Avenue, might relieve some of the transportation concerns, specifically in the areas where Dix Avenue intersected with Queensbury Avenue and Quaker Road. He advised the traffic study results would not be available for two to three months and reiterated that the requested letter of intent was critical to VMJR Companies in order to proceed with the planning portion of their development plans. Mr. Taylor noted that a similar traffic study had been performed for the development of the Warren-Washington Counties Industrial Park and showed that it would not have a significant impact on the area traffic and Mr. Tennyson responded the current AGFTC study for the area surrounding the Airport could yield the same conclusion.

Mr. Monroe noted that further extension of the runway, beyond the 1,000' extension already planned, would require extensive earth moving work as the topography in that area included a fairly steep incline that would have to be removed, and he questioned whether the idea was even feasible. Mr. Tennyson responded that the issue had been discussed with the consulting firm retained for Airport projects and an advisement had been made that an additional 1,000' runway extension would be feasible and would incur a reasonable cost; however, he added, further extension would require major earth removal work and would actually impact a portion of Queensbury Avenue. In response to an inquiry made by Paul Dusek, County Administrator, Mr. Tennyson advised the cost of the current Runway Expansion Project was estimated to be approximately \$8 million. He added that the majority of this cost was attributed to wetland mitigation and noted that only a small amount of earth moving work would be required. Mr. Tennyson said an additional 1,000' extension would require basically the same type of work as the first and have a similar price; however, he advised, any further extension would incur much greater costs due to the extent of topographic reconstruction required. He apprised that through their review and discussion of the prospective land swap issue with VMJR Companies, both the Airport consultant and the FAA (Federal Aviation Administration) had raised concerns relative to the limitations that would be imposed for future runway extension by allowing commercial development to proceed in the previously described manner. Mr. Dusek asked if additional property acquisitions would be required for further runway extension and Mr. Tennyson responded affirmatively.

Mr. Dusek noted there was a very important policy decision to be made on this matter. He reminded the Committee that when this issue was initially raised, there had been varying opinions both in favor of the runway expansion and the introduction of additional commercial development to aid the County's economy. In the end, Mr. Dusek said,

the Committee had determined the best solution would be one that allowed for VMJR Companies to proceed with their proposed development while facilitating the ability to realize the desired Runway Extension Project. He stated that the proposal introduced at the start of the meeting would do both, and was mutually agreeable in concept to both the County and the property owner, assuming that a reasonable value for the avigation easement could be determined. Mr. Dusek then reiterated Mr. Tennyson's prior indications that future runway expansion would incur major costs to the County in light of the earth moving work that would be required, a total that would be compounded by the cost associated with necessary acquisition of the parcel VMJR Companies sought to develop. He advised that an appraisal value of \$200,000 had previously been assigned for the VMJR parcel; however, he said, the property owner had determined this value to be far too low based on the potential for commercial construction. Mr. Dusek counseled that if they did not agree to provide the letter of intent as requested, VMJR Companies would be free to continue their pursuit of the Town of Queensbury Planning Board for the necessary permissions to proceed with their development plans without concern for the desired avigation easement and the County's only option for realizing the runway extension would be acquisition of the property by some means. Mr. Tennyson advised he was unsure what decisions would be made by either the FAA or the Town of Queensbury Planning Board if the letter of intent protecting the avigation easement was not provided.

Mr. Merlino pointed out that the purpose of the runway extension was to allow for larger aircrafts to land at the Airport and he questioned how large they really wanted the facility to grow. They should also consider how the increased air traffic noise would affect surrounding residents, he said, and noted that many would likely be opposed to the initiative. Regardless, Mr. Merlino said it was unlikely that large airline companies would choose to use the Warren County Airport as a hub for operations and as such, the point was probably moot.

Mr. Monroe noted the runway extension would not only allow larger aircraft to land at the Airport, but heavier aircraft, as well, and would also serve to increase safety by allowing more room to take off and land. The ability for heavier aircraft to take off from the Airport was important because it allowed the aircrafts to purchase more fuel and fly for greater distances, making the location more attractive, he said. Mr. Monroe opined they would definitely be limiting the potential for beneficial future expansions by proceeding with the letter of intent and he suggested another option might be to reach an alternate agreement that allowed the development sought by VMJR Companies in another area that did not restrict potential runway growth. Mr. Dusek questioned whether the FAA would consider providing funding to purchase the VMJR Companies parcel based on the potential for future expansion and Mr. Tennyson replied he did not think the idea was plausible and the cost would have to be borne solely by the County.

Responding to an inquiry made by Mr. Conover, Mr. Dusek explained that the proposed access road would be a benefit to VMJR Companies and would be constructed on County property as it would eventually become a municipal highway. He further explained the access road was being used as a bargaining tool to gain the desired avigation easement, but there was no guarantee the deal would be acceptable to VMJR Companies; he added that if they did not agree to allow the avigation easement, the access road would not be built and VMJR Companies would have to return to the Town of Queensbury Planning Board to determine another means to continue with the desired development. Mr. Conover then questioned whether the access road would have a municipal benefit and Mr. Dusek replied that it would certainly encourage more development in that area.

As Victor Macri, President and CEO of VMJR Companies, was present, Mr. Taylor asked him to address the Committee and advise of his feelings on the issue. Mr. Macri said the parcel in question was properly zoned for commercial development, but the Town of Queensbury Planning Board would not allow them to build the access road they desired without a second egress. He noted that while the access road offered by the County would accommodate the direction of the Planning Board, they did have alternate options available to create the egress without using any County property. Mr. Macri stated that his firm sought to develop a plausible technology park that would attract new businesses and jobs, hopefully expanding the economy of Warren County. He apprised they

were currently using State grant funds to assist in bringing the development to a “shovel ready” status and were one of only five potential developments within the State of New York that had similar levels of power capabilities available which would allow for construction of approximately 500,000 sq. ft. of commercial/industrial development. Mr. Macri said that if the access road was constructed, it would serve as a new corridor to the Airport, as well as the Warren-Washington Counties Industrial Park, and would also relieve traffic congestion at the Dix Avenue/Quaker Road intersection. He concluded that a tentative agreement between his firm and the County had been introduced to meet the needs of both parties and ultimately benefit everyone.

Chairman Stec stated that while they sought to maximize all options to obtain the greatest value to the County, there were many residents who were resistant to any further expansion of the Airport facility. However, he added, it was difficult to foresee what the status of the County would be in 50 years time, as well as whether extensive expansion would be beneficial, and he noted that by that time the residents of the area would have changed, becoming used to the Airport noise and possibly not be as resistant to the idea of larger aircraft landing at the facility. Chairman Stec expounded consideration needed to be given to the future implications of the decision made, for example, what type of future expansion might be foregone by agreeing to the letter of intent, as well as how much industrial and economic impact might be lost if they decided to retain the rights for future runway expansion which might never occur; he added that regardless of the path chosen, it would not be known for some time if the correct decision was made. He said that a gambling person would weigh the variables that would effect the County over the next 5 years, versus those that would not be known for 50 years, and the fact that there were currently residents surrounding the Airport property that were not in favor of expansion. Chairman Stec stated that he would be in favor of pursuing the 1,000' runway extension that had already been approved and designated for FAA funding, but was not concerned with allowing a second runway expansion in light of the fact that other non-aviation opportunities were available within the next five years that would prove more beneficial to the County than the potential for future expansion. That being said, he advised he would be interested in knowing what further expansion was available to increase air traffic at the Airport without incurring tremendous cost, but reiterated that effort might be futile if area residents proved resistant to its implementation.

Speaking as a 12-year member of the Town Board and 4-term Supervisor for the Town of Queensbury, Chairman Stec confirmed that the access road was required by Code and noted the Town Board was in favor of a municipal highway that would connect Quaker Road and Queensbury Avenue. He said it appeared the proposed agreement presented an acceptable solution if all parties involved were able to remain reasonable and agree upon a proper dollar amount for the avigation easement. Chairman Stec noted that, as per State Law, that the County could not pay more than fair market value for the easement and it seemed the FAA would play a large part in establishing this value. He concluded he was in support of facilitating the commercial development proposed and hoped they would be able to harness the opportunity to maximize the options available, but reiterated that all of this would hinge upon the availability of the avigation easement.

Following further discussion on the matter, it was the consensus of the Committee that the matter should be tabled for further review and considered at a special meeting to be held on December 8<sup>th</sup>, at which time more information would be provided relative to the typical aircraft landing at the Airport currently, as well as those that would benefit from the runway extension and the extent of expansion necessary.

Resuming the agenda review, Mr. Tennyson presented a request to close the existing Airport Reserve for Planning and Improvements. He explained the current reserve was obsolete to the needs of the Airport and therefore, following meetings with Mr. Dusek and the County Treasurer, he recommended its closeout and establishment of a new reserve for Airport repair, upgrade and replacement projects. Mr. Tennyson noted the existing reserve

contained approximately \$240,000 which would be transferred to the General Fund for appropriation to the new reserve.

Motion was made by Mr. Champagne, seconded by Mr. Taylor and carried unanimously to approve the request to close the existing Airport reserve and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised the next agenda item pertained to a request to establish Capital Project No. H330.9550 280, Airport Terminal Roof, in the amount of \$150,000. He noted they had initially estimated the costs of the project to be less than \$100,000, but that figure had been raised upon the detection of asbestos concerns. Mr. Tennyson said funding for the Capital Project would be appropriated from the Airport reserve closed in the previous motion.

Motion was made by Mr. Conover, seconded by Mr. Champagne and carried unanimously to approve the request to establish Capital Project No. H330.9550 280, Airport Terminal Roof, in the amount of \$150,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

The next agenda item, Mr. Tennyson announced, included a request to establish an Airport reserve for repair, upgrade, replacement, new installation and expansion projects, as previously noted. He said the reserve would be used for all Airport facility projects, as well as the Capital Projects and the Local Match funding associated with Federal grant opportunities. Mr. Tennyson advised the reserve would be funded by monies from the previously closed reserve for planning and improvements, less the \$150,000 earmarked for the Airport Terminal Roof Project, which totaled approximately \$95,000.

Motion was made by Mr. Monroe, seconded by Mr. Champagne and carried unanimously to approve the previously mentioned request and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson noted that agenda page 5 reflected a request for authorization to pay G.A. Bove for a kerosene delivery made to the Airport on the day after their contract expiration. He explained it was G.A. Bove's error that the delivery was made, but due to contamination concerns, they were unable to retrieve the fuel and deliver it to another customer. Mr. Tennyson further explained the billing had been adjusted to the current contract rate and they had been instructed not to deliver to any County facilities, which they had recognized.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Concluding the agenda review, Mr. Tennyson advised there was only one referral item listed, that being with reference to the procurement of an aviation easement which was already discussed.

There being no further Airport business to discuss, Mr. Tennyson distributed copies of the DPW agenda, a copy of which is also on file with the minutes.

Mr. Tennyson announced the first item listed on the DPW agenda pertained to an update on the Beach Road Reconstruction Project, which would proceed to the final design and bidding phase later this winter and into the early spring season; he added that Tom Baird, of Barton & Loguidice, P.C. who served as the design consultant for the Project was in attendance to expound upon the matter, focusing specifically on the pervious pavement

application, and answer any questions the Committee might have.

Copies of the "Basis of Design - Beach Road Pervious Asphalt Pavement System" document in its draft form were distributed to the Committee members and a copy is also on file with the minutes. Mr. Baird proceeded with a brief review of the document, noting that an application had been submitted to the Green Innovation Grant Fund sponsored by the Environmental Facilities Corporation for funds that would be used to support the pervious pavement portion of the Beach Road Project which was estimated to cost approximately \$450,000. Because the pervious pavement was considered to be an experimental application for New York State, Mr. Baird advised they had been working with the (FHA) Federal Highway Administration and NYSDOT (New York State Department of Transportation) to implement alternate drainage measures that could be used if the pervious pavement failed or was determined to be an improper long-term feature for the area. To alleviate these concerns, he said the FHA was funding a complete subsurface drainage structure that could be activated if necessary. Mr. Tennyson interjected that due to the experimental nature of the project, there was the potential for failure and in order to mitigate risk to the County, a backup plan including the subsurface drainage structure had been developed so that if it became necessary to reintroduce conventional asphalt for Beach Road, they would only have to dig holes where necessary and insert the type of drain inlets currently used, then re-pave the road using traditional asphalt applications. He advised that while they were not anticipating failure of the pervious pavement system based on experience with application in other States, the FHA recognized this was a significant risk for Warren County and sought to assist in offering alternate solutions in the event that it was unsuccessful.

Mr. Champagne questioned whether NYSDOT was in favor of the project and the alternate subsurface drainage system and Mr. Tennyson replied affirmatively. Mr. Champagne then noted the NYSDOT was investigating a minor variation of the pervious asphalt mix and he asked what this meant for the project. Mr. Baird responded they would be using an asphalt mix design previously used in the State of Maine for a road with a three million ESALS (equivalent single axle loads) loading design, even though the Beach Road Project only required a one million ESALS design, because the greater level used on the Maine road only required an additional two inches of asphalt and it was worth adding the extra layer of pavement in this project. He advised the minor part of the project being reviewed for possible change included the asphalt "draindown" limits, which determined the amount of asphalt that came off of the aggregate when heated to a certain temperature. Mr. Baird said they were currently trying to develop a better set of binders that would reduce the amount of draindown from the aggregate and the NYSDOT had commissioned the assistance of Rutgers and Cambridge Universities in an attempt to find this better binding substance. He stated that they did not anticipate placing the porous pavement application until at least one year after the construction project began which allowed plenty of time to determine whether an alternate binding solution should be used in the final mix design; Mr. Baird added this would allow an additional year of monitoring for the road in the State of Maine which had been constructed in 2009 and was still performing successfully.

In response to a question posed by Mr. Champagne, Mr. Baird advised the estimated service life for porous pavement application was 20 years due to the lack of frost impact and he noted the road drainage would actually be better in the winter than in the summer because heat caused the pores in the asphalt surface to swell slightly, while they would contract in the cold winter weather.

Referring to future maintenance and repair of the surface, Mr. Baird advised the road design included a three inch top asphalt course and a six inch base course, allowing for the top course to be milled and replaced when necessary. He explained that the pores in the pervious pavement would not become clogged, and even if 90% clogged, the infiltration rate would still be greater than any type of sub-base material used in traditional paving practices. Mr. Tennyson added that the Beach Road Project would continue to be monitored by the FHA and NYSDOT due to

its experimental nature and the unknown future repair and maintenance needs. He said they anticipated that additional funding sources not typically available might be realized due to the nature of this project and its environmental benefits and experimental nature, as well as the need for monitoring and infiltration measurements.

Mr. Taylor noted the documentation provided by Mr. Baird indicated that part of the maintenance for the pervious pavement would include vacuuming the roadway three times per year and he questioned whether County-owned equipment would appropriately provide these services. Mr. Tennyson replied the County did not own any vacuum or sweeper equipment and advised these services were provided through contract with outside companies; he added that he did not foresee any extreme burden to the County for additional vacuuming services on Beach Road.

Following further discussion on the issue, Mr. Baird asked any Committee members with additional questions on the Project to contact him directly.

Resuming the agenda review, Mr. Tennyson directed the Committee members to page 1 which reflected a request to increase Capital Project No. H327.9550 208, Tropical Storm Irene, in the amount of \$300,000. He reminded the Committee that when the Capital Project was established, they had estimated damages to total approximately \$1.2 million and the County had initially provided \$400,000 to recover the losses incurred while waiting for reimbursements from FEMA (Federal Emergency Management Agency). Mr. Tennyson advised the initial \$400,000 had been expended and he was requesting an additional \$300,000 to cover current materials and repair costs and leave a cushion for any invoices not yet received; he said he anticipated they had begun submitting requests for FEMA reimbursements and noted they would not require any additional County funding once they began.

Motion was made by Mr. Monroe, seconded by Mr. Conover and carried unanimously to approve the request as previously outlined and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Loeb commented that the Town of Thurman had incurred an extensive amount of storm damage during the Memorial Day storm but had been denied FEMA assistance and he questioned whether there was any way to assist them in recovering from these damages. Mr. Dusek responded that they had been trying very hard to find a solution to this problem and had received assistance from Congressman Gibson's Office in these efforts, as well, but thus far no funding sources had been found. He said that due to the State deficit and funding cut backs at the Federal level, it was very difficult to find possible sources and they had run out of places to seek funding from. Mrs. Wood agreed that it had been a very difficult process and advised the Town of Thurman was not the only area facing these difficulties, as the Town of Bolton, as well as Warren County, had suffered storm damages that no funding sources were being yielded for. She apprised that she had been in contact with Congressman Gibson's Office recently and was given a few more possibilities which she was pursuing at this point without success. Mrs. Wood said the Town of Thurman was not anticipating any assistance and would proceed with their plan to repair one road at a time using funds at the local level until an alternate source of funding was discovered.

Mr. Tennyson advised the next agenda item included a request to extend the municipal contracts for snow and ice removal for the term commencing January 1, 2012 and terminating December 31, 2012. He explained these contracts were held with various towns for maintenance of certain roads to include snow and ice removal, as well as mowing and sweeping. Mr. Tennyson concluded the 2012 contract was identical to the version adopted for 2011.

Motion was made by Mr. Champagne, seconded by Mr. Monroe and carried unanimously to approve the previously mentioned request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Moving on to agenda page 5, Mr. Tennyson outlined a request to transfer ownership of various improvements completed by the County for the Town of Bolton Sewer District No. 1 to the Town of Bolton. He noted that as certain portions of the work were completed they had been conveyed to the Town of Bolton and this would be the final conveyance based on the construction underway which would be completed in the very near future.

Mr. Geraghty asked if this project was late in being completed and Mr. Tennyson advised there had been a contractual issue with the nature of how it was extended to use some of the additional funding available. He added that additional delays had been incurred during the summer season when heavy sewer flow rates had caused the work to be suspended and resumed in the fall. Mr. Tennyson advised that once the construction work was complete, they would begin the grant close-out process before reconciling all project costs and proceeding with a final close out of the entire project.

Motion was made by Mr. Taylor, seconded by Mr. Champagne and carried unanimously to approve the request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson stated the next agenda item consisted of a request to create the new position of Motor Equipment Operator - Medium, base salary \$29,031, as reflected on page 6. He explained that through this action he would seek to abolish the Heavy Equipment Operator #7 position, base salary \$39,180, which had been vacated due to retirement. Mr. Tennyson said this change would appropriately meet the needs of the Department while reducing salary costs. He advised that agenda page 7 included a request to fill the Motor Equipment Operator - Medium position and he said that because he intended to promote from within the Department to fill the position, he would also request permission to backfill any vacancies resulting from promotion.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the request to create the position of Motor Equipment Operator - Medium and refer same to the Personnel Committee. *A copy of the request is on file with the minutes.*

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the request to fill the newly created position of Motor Equipment Operator - Medium, as well as any vacancies created by promotion, and refer same to the Personnel Committee. *A copy of the Notice of Intent to Fill Vacant Position form is on file with the minutes.*

While on the topic of personnel matters, Mr. Tennyson noted he had been working with Mr. Dusek and the Personnel Officer to revise position titles within the Buildings & Grounds Division to better match them to the operations performed. He said he did not have the revisions prepared to present at the current meeting, but would be addressing them at the upcoming Personnel Committee meeting scheduled for December 7<sup>th</sup>.

Mr. Tennyson apprised that agenda page 8 included a draft copy of the listing of highway repair projects tentatively scheduled for completion in 2012. He said the list was enhanced above the paving schedules for the past three years when the budget had been supported solely by CHIPS (Consolidated Highway Improvement Program) funding. Mr. Tennyson advised that although the 2012 schedule would add approximately 40 service life miles to the totals for the prior years, they would still fall slightly behind on maintaining the ESL (estimated service life) mile goal, but not as far as they had in prior years.

Agenda page 9 included a request to close multiple road projects as discussed in the Budget negotiation meetings



held earlier in the year, Mr. Tennyson explained. He said that in order to provide for the enhanced road projects previously discussed, they were closing all of the road projects listed on page 10 of the agenda and transferring any remaining funds into another road project to be expended in the 2012 construction year.

Motion was made by Mr. Champagne, seconded by Mr. Monroe and carried unanimously to approve the request to close existing road projects and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson stated agenda pages 11 and 12 reflected requests for transfers of funds, the first in the amount of \$15,458 to rectify negative project balances and bring them to a zero balance to prepare them for close-out, and the second in the amount of \$212,343 to transfer funds from the road projects closed in the previous request to an active road project.

Motion was made by Mr. Monroe, seconded by Mrs. Wood and carried unanimously to approve both requests for transfers of funds and refer same to the Finance Committee. *Copies of both Request for Transfer of Funds forms are on file with the minutes.*

Proceeding to the Items of Interest section of the agenda, Mr. Tennyson circulated several pictures, copies which are on file with the minutes. The first picture depicted underwater scour work completed on the Padanarum Road Bridge with the assistance of the Sheriff's Dive Team. Mr. Tennyson advised that it would have cost upwards of \$1,000 per day to contract these services to an independent contractor, but by coordinating with the Sheriff's Office they had been able to save money and provide a dive training exercise. Photos of the Harrington Road Bridge were also distributed and Mr. Tennyson noted that the image depicted the completed bridge project, including the guiderails that had been added since the last meeting. Finally, Mr. Tennyson outlined the photos of a culvert on South Johnsbury Road which had incurred damage during Tropical Storm Irene and had been replaced by Kubricky Construction through an emergency contract.

A staff meeting had been held recently to review County-wide operations, Mr. Tennyson advised, particularly to discuss snow and ice operations at the Municipal Center Campus. He said he would be working with Mr. Dusek and the Department Heads working at the Municipal Center Campus to finalize a parking plan for implementation during major snow and ice events that would prioritize the cleaning of particular parking lots to ensure they were ready for parking when employees began arriving for work. Mr. Tennyson stated that in prior years, no such plan had been in place, leading employees to attempt to park in uncleared lots, leading to a number of stuck vehicles. He apprised they would develop a written plan for distribution to the employees and introduce new signage to indicate where people should be parking during extreme storm conditions.

Mr. Tennyson concluded the agenda review with the Referrals section which he outlined as follows:

1. Relative to the possible implementation of a municipal parking lot on West Brook Road and the ability for the County to retain any parking revenues collected, Mr. Tennyson advised the County Attorney's Office continued to research the matter but he did foresee this effort proceeding to fruition. He said a meeting of the Gaslight Village Ad Hoc Committee was scheduled for later that week and it was possible that more information could be revealed then. Mr. Tennyson stated the matter should be finalized and ready for update to the full Board in January and he said they were under no time constraints on this issue. He noted there should be more information with regard to the grant funding they had applied for in January, as well.

There being no further DPW business to discuss, Mr. Bentley announced the Committee would take a short break

before beginning the Parks, Recreation & Railroad portion of the meeting.

Mr. Auffredou left the meeting at 11:25 a.m.

The Committee recessed from 11:25 a.m. to 11:30 a.m.

Upon reconvening, privilege of the floor was extended to Paul Butler, Director of Parks, Recreation & Railroad, who distributed copies of his agenda to the Committee members. *A copy of the agenda is also on file with the minutes.*

Mr. Butler advised the first agenda item consisted of a request for a new contract with the Towns of Hague, Horicon, Lake Luzerne and Thurman for snowmobile trail maintenance for the term commencing January 1, 2012 and terminating December 31, 2012.

Motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously to approve the previously mentioned request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

The next agenda item included a request for a new contract with the Town of Bolton to accept \$20,000 in funding for support of the Up Yonda Environmental Education Center for the 2012 budget year, Mr. Butler apprised.

Motion was made by Mr. Conover, seconded by Mr. Merlino and carried unanimously to approve the above referenced request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler announced that agenda page 3 reflected a request for a new contract with the South Warren Snowmobile Club, Inc. to permit use of approximately 1.35 miles of the Warren County Bikeway. He noted that the agenda included a map of the Bikeway indicating the section of the trail permitted for use which extended from the north bridge abutment at Route 9L to the southern most barricade on Route 9.

Motion was made by Mrs. Wood, seconded by Mr. Merlino and carried unanimously to approve the request for a new contract as outlined above and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing to agenda page 4, Mr. Butler outlined a request for a new contract with the SNCR (Saratoga North Creek Railway) which would allow them to act as the County's agent for building permits, zoning applications and any other similar permits/routine documents relative to the use and operation of the railroad right-of-way owned by Warren County. Mr. Tennyson explained they had received notice from the Town of Johnsburg Planning and Zoning Department regarding an apparent change of use at the Riparius Station where SNCR had started storing some construction vehicles and materials there and using it as a staging point for repairs made along the rail line. He further explained the Town had requested that either the County or SNCR submit an application for change of use for the location and had provided a form that would allow the County to designate SNCR as their agent in these matters. Mr. Tennyson said that in discussing this issue with the County Attorney's Office, it was determined that the issue should be brought to the Committee's attention in the form of the request presented. He advised SNCR would be required to contact his Office to inform him whenever this authority would be implemented to receive his consent before proceeding.

Mr. Champagne questioned what the current procedure used in these matters was and Mr. Tennyson replied the

matter would have to be brought to the Committee for approval of each instance and this resolution would allow for them to be approved without the delay of waiting for a Committee meeting. Mr. Monroe noted that the agreement should be made revokable at any time which would allow the County to end the agreement at their discretion. In answer to these concerns, Mr. Tennyson suggested that the agreement be approved with an amendment indicating that he would not approve any requests without first bringing them to the Committee's attention, or to the Committee Chairman if more expedient approval was required.

Motion was made by Mr. Merlino, seconded by Mr. Taylor and carried unanimously to approve the request and include the caveat suggested by Mr. Tennyson, and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Continuing to the next agenda item, Mr. Butler apprised that in the process of updating the private use licensing agreements for sites along the railroad and Bikeway, they had received a request from the VFW (Veterans of Foreign Wars) Hudson-Sacandaga Post No. 5836 to reduce the minimum insurance aggregate limit requirement of \$3 million to \$2 million in order to reduce their insurance costs. Mr. Tennyson said that he had recently discussed this request with Mr. Auffredou, County Attorney, and they agreed the request warranted some review and Mr. Auffredou proposed that Cool Insuring Agency be contacted for advisement before making a decision on the matter. He explained that they currently used standardized insurance requirements for all private use licensing agreements and this was one case where the insurance limits could be reduced while maintaining appropriate insurance coverage and reducing the financial impact to the VFW.

Mr. Merlino said he had spoken with VFW representatives and agreed that the insurance requirements were inappropriate for the small amount of property used. He opined that they should consider a policy which would allow insurance coverage limits to be varied based on the amount of property used and the prospective uses, rather than instituting a standardized coverage limit requirement. Mr. Merlino noted the property was located close to the Hadley-Luzerne Platform, but was not used for train parking; he further noted that it was a very small area of County property located between the railroad tracks and the building that was used typically when meetings or large gatherings were scheduled for the facility. Mr. Tennyson advised that the property was not used by the County for any purpose. Mr. Bentley questioned whether the County's current insurance policy would provide coverage for use of the parking lot and Mr. Tennyson responded that Mr. Auffredou would need to be consulted on the matter. Mr. Tennyson said that according to Mr. Auffredou's indications following his initial review of the request, he did not foresee the reduction in coverage causing any undue risk to the County, but still wanted to speak with an insurance professional on the matter. Mr. Bentley then asked why lessee's of County property were required to carry insurance if the County's insurance coverage already covered the property and Mr. Tennyson advised it was required to indemnify the County and provide alternate insurance coverage in the event of a loss. Mr. Monroe commented that they should inquire as to what the actual savings to the VFW would be for the reduced coverage.

Following a brief discussion, it was the consensus of the Committee that this issue should be tabled for further discussion at the December 8<sup>th</sup> Special Committee meeting, following an update by the County Attorney.

Continuing, Mr. Butler advised the next agenda item referred to a request from the Warren County Historical Society to waive the \$150 usage fee for the Fairgrounds property, as well as the \$.50 per ticket entrance fee, during their Rural Heritage Festival and Youth Fair which was scheduled for August 11, 2012. He noted the event was being organized in cooperation with the CCE (Cornell Cooperative Extension) in celebration of the rural history of Warren County through traditional craft, farm, work and leisure demonstrations, educational exhibits, games, goods and sales. Mr. Butler said the request to waive fees associated with use of the property for the event was being substantiated by the fact that it was being organized by not-for-profit agencies.

Mrs. Wood apprised the festival had been discussed at a recent CCE meeting where the Warren County Historical Society had made a presentation on the event. She noted CCE had been having trouble getting insurance to cover the event and they were looking to combine with another agency to introduce an enhanced fair and raise attendance. The Warren County Historical Society would serve as the lead agency to alleviate insurance concerns, Mrs. Wood advised, and noted that prior organizers would still be assisting with the event. She said their plan looked very promising and may help to revive the Fair and increase attendance.

Following a brief discussion, motion was made by Mr. Champagne, seconded by Mr. Merlino and carried unanimously to approve the above referenced request and the necessary resolution was authorized for the December 16<sup>th</sup> Board meeting. *A copy of the request is on file with the minutes.*

Mr. Butler noted that the next agenda item referred to an update on railway operations by SNCR, but advised that no one from their organization was present. He said he felt an SNCR representative should be present at each meeting to answer any questions the Committee might have, as well as to provide operational information, and he was actively pursuing Steve Torrico, SNCR General Manager, to meet this end. Mr. Tennyson advised that he would begin forwarding written requests to SNCR requesting representative attendance for future meetings. Mr. Butler announced that the Polar Express attraction was doing very well and Mr. Tennyson added that all available seats for the Friday and Saturday runs had been sold out, and possibly the Thursday runs, as well. Joanne Smith, Town of North Creek resident, said that families were not the only groups taking advantage of the attraction, noting she had seen a number of older people riding the train without children in their parties, just to feel like a kid again.

The agenda review was concluded with Items of Interest section which was outlined as follows:

1. Mr. Butler advised the Haunted Trails and Barns event held at Up Yonda in October had been very successful, raising approximately \$2,300 which was slightly more than the prior year. He circulated pictures from the event for the Committee's review, copies of which are on file with the minutes. Mr. Conover complimented the Up Yonda staff for their efforts in organizing the event, stating that they had done a great job. Mr. Butler noted that 70 volunteers had worked together to bring the event to fruition, as well as the assistance of the Parks, Recreation & Railroad staff on the day prior to assist with lighting and other setup work; and
2. Photos of the "No Snowmobiles" signage recently erected along the rail line were circulated, copies of which are on file with the minutes. Mr. Butler said the signs had been placed at each public intersection of the railroad, as well as near known snowmobile trails, to discourage use of the rail line as the train was now providing regular service.

Mr. Merlino apprised that he and other volunteers from the Town of Lake Luzerne had donated money to light the Hadley-Luzerne Platform. He said the current sign at the site noted its name as being the Hadley Platform, and since it was advertised as the Hadley-Luzerne Platform, he would prefer that the sign reflect it as such. Mr. Butler responded that the sign was currently being produced and would be placed shortly.

There being no further business to come before the Committee, on motion made by Mr. Champagne and seconded by Mr. Monroe, Mr. Bentley adjourned the meeting at 12:00 p.m.

Respectfully submitted,  
Amanda Allen, Sr. Legislative Office Specialist